

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

DEBORA WALTON, )  
)  
Plaintiff, )  
)  
v. ) No. 1:17-cv-01888-JMS-MPB  
)  
FIRST MERCHANTS BANK, )  
)  
Defendant. )

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Magistrate Judge submitted his Report and Recommendation on Defendant First Merchants Bank’s Motion for Discovery Sanctions, [[Filing No. 116](#)], recommending that the Court deny the motion with leave to refile if First Merchants Bank has evidence that Ms. Walton provided written consent for electronic service pursuant to Fed. R. Civ. P. 5(b)(2)(E). [[Filing No. 200](#).] The parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections, and none were filed. Specifically, Ms. Walton filed a “Verified Response to Report and Recommendation on Defendant’s Motion for Sanctions,” stating that she “does not [object] to the Report and Recommendation,” [[Filing No. 202](#)], and First Merchants Bank did not file an objection. The Court, having considered the Magistrate Judge’s Report and Recommendation, hereby adopts the Magistrate Judge’s Report and Recommendation. [[Filing No. 200](#).] First Merchants Bank’s Motion for Discovery Sanctions, [[Filing No. 116](#)], is **DENIED** with leave to refile if First Merchants Bank has evidence that Ms. Walton provided written consent for electronic service pursuant to Fed. R. Civ. P. 5(b)(2)(E).

Date: 2/25/2019

  
Hon. Jane Magnus-Stinson, Chief Judge  
United States District Court  
Southern District of Indiana

**Distribution via ECF only to all counsel of record**

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